

A4R
8. L33
v19/15
Copy 2



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 19

April 16, 2002

No. 15

S. C. STATE LIBRARY

JAN 16 2003

STATE DOCUMENTS

CONTENTS

WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	08
BILLS INTRODUCED IN THE HOUSE THIS WEEK	19

OFFICE OF RESEARCH

Room 213, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803) 734-3230

Legislative Update, April 16, 2002

offenses and penalties provided in this legislation are supplemental and in addition to all other offenses and penalties provided by law.

The House approved **S.894** and ordered the bill enrolled for ratification. This bill **revises statutes regulating the hunting of wild turkeys in South Carolina.**

The House returned **S.322**, the **South Carolina Private Guardian Ad Litem Reform Act**, to the Senate with amendments. The bill provides requirements and restrictions pertaining to a guardian ad litem appointed in a private action before the family court in which custody or visitation of a minor child is an issue. In such actions, the court may appoint a guardian ad litem only when it determines that: (1) without a guardian ad litem, the court will likely not be fully informed about the facts of the case and there is a substantial dispute which necessitates a guardian ad litem; or (2) both parties consent to the appointment of a guardian ad litem who is approved by the court. Such a guardian ad litem may be removed by the court upon good cause shown. The bill establishes qualifications for an attorney or a non-attorney appointed guardian ad litem in a private action involving custody or visitation. An individual must be at least twenty-five years old to be eligible for appointment. To be eligible for appointment, non-attorneys must fulfill yearly training requirements in custody, visitation, and family court law and procedure and required observation of contested custody merits hearings. Neither an attorney nor a non-attorney may be appointed if convicted of specified crimes pertaining to offenses against the person, offenses against morality and decency, criminal domestic violence, narcotics and controlled substances, or who is or has ever been on the Department of Social Services Central Registry of Abuse and Neglect. The legislation provides for the basic duties of a guardian ad litem, requiring such activities as independent, impartial investigation, recommendation of any treatment or evaluation that may be in the child's best interest, independent record-keeping, attendance of court hearings, and comprehensive written reports. At the time of appointment, the family court judge shall set forth the method and rate of compensation for the guardian ad litem, who must submit, when fees and costs accrue, a periodic itemized billing to include a statement of hours, expenses, costs, and fees to the parties and their attorneys. Additionally, the court must consider the ability of a party to pay fees and costs at the time the court appoints a guardian ad litem. A party may petition the court to review the reasonableness of the fees and costs of the guardian ad litem and the attorney for the guardian ad litem at any time during the action. The legislation provides criteria to be used in determining what compensation is to be considered reasonable. Upon appointment, a guardian ad litem must provide written disclosure to each party: (1) of the nature, duration, and extent of any relationship the guardian ad litem or any member of the guardian's immediate family residing in the guardian's household has with any party; (2) of any interest adverse to any party or attorney which might cause the impartiality of the guardian ad litem to be challenged; (3) any membership or participation in any organization related to child abuse, domestic violence, or drug and alcohol abuse.

The House amended, approved, and sent to the Senate **H.4898**, a bill providing revisions for **child abuse and neglect** laws. In addition to many technical and

Legislative Update, April 16, 2002

combination of those entities, for the projects listed above; (g) any combination of the projects listed above.

The House amended, approved, and sent to the Senate **H.3851**, concerning **use of revenue generated by the accommodations tax**. Currently, this revenue may be used, in addition to other specified purposes, for beach access and renourishment. This bill adds that the revenue may also be used for other tourism-related lands and water access approved by the Tourism Expenditure Review Committee. The bill revises provisions regarding accommodations tax allocation so as to provide that 'day visitor' or 'day visitors' means a person or persons who travel outside their usual environment or community of residence to engage in leisure or recreational activity in another environment or community, but who do not spend a night in that other environment or community. The bill provides that, subject to the oversight authority of the Tourism Expenditure Review Committee, accommodations tax funds also may be used to provide services for day visitors to municipalities that have beaches bordering the Atlantic Ocean, or which border the intracoastal waterway, or tidewaters. The bill provides that the definition of tourist does not apply to museums or to festivals, arts, and cultural events or the sponsoring organization of these events.

The House amended, approved, and sent to the Senate **H.4981**, a bill pertaining to **controlled substances**. The legislation provides that it is unlawful for a person to take or exercise control over a controlled substance belonging to another person or entity with the intent to deprive the person or entity of the controlled substance. A person who knowingly and intentionally violates this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than two years and/or fined not more than two thousand dollars. Upon conviction of a second or subsequent violation, a person must be imprisoned for not more than five years. The legislation also provides that prescriptions for controlled substances in Schedules II through V, inclusive, with the exception of transdermal patches, must not exceed a thirty-one day supply (rather than the current limit of a thirty-one day supply or one hundred twenty-four dosage units, whichever quantity is the lesser). Prescriptions for Schedule II substances must be dispensed within sixty days (rather than thirty days, are currently provided) of the date of issue, after which time they are void. The legislation provides that a prescription for a controlled substance in Schedules II through V may not be filled unless the dispenser knows the recipient or requires proper identification and notes the identification source on the prescription. The legislation also eliminates the provisions imposing requirements on the retail sale of hypodermic needles and requiring certain record keeping for such sales. The bill eliminates the Department of Health and Environmental Control's authority to audit such records and promulgate regulations pertaining to such retail sales.

The House returned **S.986** to the Senate with amendments. This bill **creates the South Carolina Birth Defects Surveillance Task Force** to study birth defect surveillance methods, programs, and procedures and develop recommendations for the establishment of a statewide birth defects surveillance program. By February 15, 2003, the task force is directed to submit a report containing its findings and recommendations to the Governor and the legislature. The legislation provides for

The House amended, approved, and sent to the Senate **H.3921**. This bill **extends the state income tax deduction allowed to volunteer firefighter and rescue squad members to a volunteer member of a Hazardous Materials ("HAZMAT") Response team**. The bill also amends current provisions regarding the performance-based point system to determine eligibility for the state income tax deduction allowed volunteer firefighters and rescue squad workers by extending this point system to volunteer HAZMAT team members. The bill also provides a **three thousand dollar individual income tax deduction for a person serving as a reserve police officer**.

The House amended, approved, and sent to the Senate **H.4760**, a bill that makes **volunteer state constables eligible for workers' compensation benefits**. The legislation revises worker's compensation law so as to set an average weekly wage rate for volunteer constables. The provisions apply only to volunteer state constables who are performing duties in connection with their appointment by the State Law Enforcement Division. The approval of the governing body of the county or municipality is required prior to a constable volunteering for that county or municipality.

The House approved and sent to the Senate **H.4609**. This bill provides that a retired member of the **South Carolina Police Officers Retirement System (SCPORS)** who is hired by the State is not eligible for a lump-sum payment for unused leave upon termination or retirement from state employment. The bill also provides that a retired member of the SCPORS who is hired by an agency to fill all or some of a full-time equivalent position covered by the State Employees Grievance Procedure Act is exempt from the provisions of the State Employee Grievance Procedure Act. The bill also eliminates the earnings limitation for a retired member of the SCPORS who is hired in a position covered by the PORS or any other State Retirement System, and reduces from sixty days to fifteen consecutive calendar days the minimum interval before a retired member of the SCPORS may be hired by a covered employer without affecting the member's retirement allowance.

The House approved and sent to the Senate **H.4823**, a bill **prohibiting public entities from engaging in directed surety** with regard to public projects. The bill prohibits the State, a political subdivision of the State, or other public entity of the State from requiring that a bond to secure the bid or the performance or payment of a contract be furnished by a particular surety company or through a particular agent or broker.

The House amended, approved, and sent to the Senate **H.4852**, a bill that **exempts all commercial policies from regulation by the Department of Insurance**. Current law exempts from Department of Insurance regulation policies for commercial insureds, which are those with annual premiums greater than fifty thousand dollars. This legislation expands the exemption to include any commercial insured. As a result, insurers would not have to file with the Department of Insurance proposed rating schedules, rating rules, manuals, and modifications with regard to its commercial policies. Such filing exemptions shall not apply to loss cost filings by advisory or rating organizations. Exemption from Department of Insurance regulation allows insurers to negotiate their own rate levels on commercial policies, such as workers'

EDUCATION AND PUBLIC WORKS

The House Education and Public Works Committee reported favorable with amendment on **H.4716**, regarding **procedures and requirements to make up school days lost because of weather or other disruptions**. As reported by the Committee, this bill provides that all school districts shall annually designate three days for students and three days for teachers within their school calendars to be used as make-up days in the event of these occurrences. The bill provides that if sufficient make-up days are not in the school district calendar, the local school board may lengthen the hours of school operation by no less than one hour per day for the total number of hours missed. The bill provides that schools operating on a four by four block schedule shall make every effort to make up the time during the semester that days are missed. The bill requires that any plan to make up days by lengthening the school day must be approved by the State Department of Education prior to implementation.

H.4716 also provides that members of the General Assembly considering introducing local legislation to excuse any days missed because of weather or other disruptions shall ascertain (by school board vote) prior to introducing such legislation, whether the local board supports excusing days missed for students, or teacher, or both. Additionally, the bill provides that members of the General Assembly considering introducing such legislation shall determine whether the district has used the required designated make-up days or attempted to make up days by lengthening the hours of school operation prior to the introduction of local legislation to excuse these days.

The Committee reported favorable with amendment on **H.4591**, regarding **materials placed on the approved list of instructional materials and textbooks used in the public schools**. As reported by the Committee, this bill provides that all instructional materials placed on the approved list of instructional materials and textbooks for use in South Carolina public schools shall contain the substance and level of performance outlined in the grade and subject specific academic standards adopted by the State Board of Education. The bill also repeals a current section regarding procedures for selection of textbooks and textbook requests.

By unanimous consent, the Committee considered **S.190**, and reported the bill out favorable with amendment. As reported by the Committee, this bill provides that the **Department of Transportation (DOT) shall notify a county legislative delegation's chairman:**

- **Before DOT closes a bridge or road** within the legislative delegation's county for repairs that will not be completed within a forty-five day period except in an emergency situation; and
- **Before DOT conducts vegetation management** of the medians, roadsides, and interchanges along the interstate system within the legislative delegation's county in accordance with the DOT Commission's transportation district-by-district policy. This applies only when the DOT Commission makes revision to its policy.

bill, the Department of Social Services need not investigate reports of nonattendance at school unless parents have been uncooperative with the school's effort to obtain attendance. DSS need not investigate reports where a law enforcement investigation determines within twenty-four hours of the report that the alleged perpetrator is not the child's parent or guardian. Under the bill, persons making reports of child abuse or neglect maliciously are liable to DSS for the costs of the investigation. The bill also provides for a private right of action concerning such malicious reports. The legislation provides that the State-level "Out-of-Home Abuse and Neglect" unit, rather than county offices, will investigate reports of child abuse and neglect in day care centers. The legislation provides that the circuit court rather than the family court has jurisdiction over enforcement actions against noncompliant day care centers. The 72-hour limit on temporary crisis placements is eliminated. The legislation provides that reports and materials generated in DSS internal reviews of program quality are confidential.

The Committee gave a favorable report on H.4808, a bill providing **disclosure and accountability requirements for economic development initiatives**. This bill provides that monies constituting a fund of any kind used by the Department Of Commerce, regardless of their source, are public monies subject to all accountability and disclosure requirements governing public monies. The bill provides that funds from foundation grants and private funds used by the Coordinating Council For Economic Development to enhance economic growth and development are public monies subject to all accountability and disclosure requirements governing public monies. The bill revises provisions relating to information exempt from disclosure under the Freedom Of Information Act, so as to provide that a contract for the sale or purchase of property related to efforts to attract or retain business or industry is exempt until the business or industry has publicly announced its project or a final contract has been executed. Information relative to efforts or activities of a public body to attract business or industry to invest in this State are not exempt from disclosure once an offer has been accepted or rejected or has expired.

The Committee gave a report of favorable with amendment on H.4981, a bill pertaining to **controlled substances**. The legislation provides that it is unlawful for a person to take or exercise control over a controlled substance belonging to another person or entity with the intent to deprive the person or entity of the controlled substance. A person who knowingly and intentionally violates this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than two years and/or fined not more than two thousand dollars. Upon conviction of a second or subsequent violation, a person must be imprisoned for not more than five years. The legislation also provides that prescriptions for controlled substances in Schedules II through V, inclusive, with the exception of transdermal patches, must not exceed a thirty-one day supply (rather than the current limit of a thirty-one day supply or one hundred twenty-four dosage units, whichever quantity is the lesser). Prescriptions for Schedule II substances must be dispensed within sixty days (rather than thirty days, are currently provided) of the date of issue, after which time they are void. The legislation provides that a prescription for a controlled substance in Schedules II through V may not be filled unless the dispenser knows the recipient or requires proper identification and notes the

Legislative Update, April 16, 2002

thousand dollars. This legislation expands the exemption to include any commercial insured. As a result, insurers would not have to file with the Department of Insurance proposed rating schedules, rating rules, manuals, and modifications with regard to its commercial policies. Such filing exemptions shall not apply to loss cost filings by advisory or rating organizations. Exemption from Department of Insurance regulation allows insurers to negotiate their own rate levels on commercial policies, such as workers' compensation, malpractice, liability, trucking, and nursing home, rather than having such rate levels set by the department.

The Committee gave a favorable report on **H.4180**. This bill provides that the South Carolina State Board of Funeral Service is no longer required to verify that a **life insurer's policy to fund a pre-need funeral contract** is consistent with statutory requirements for pre-need funeral contracts. The approval process for such policies by the Department of Insurance remains intact.

The Committee gave a favorable report on **H.4715**, a bill **authorizing letters of credit as security for certain State funds deposited in financial institutions**. This bill makes revisions pertaining to the security required for State funds in excess of the Federal Deposit Insurance limit deposited by the State Treasurer in a bank or savings and loan association, so as to allow security for these deposits in the form of letters of credit, and to provide the requirements for these letters of credit.

The Committee gave a report of favorable with amendment on **H.4760**, a bill that makes **volunteer state constables eligible for workers' compensation benefits**. The legislation revises worker's compensation law so as to set an average weekly wage rate for volunteer constables. The provisions apply only to volunteer state constables who are performing duties in connection with their appointment by the State Law Enforcement Division. The approval of the governing body of the county or municipality is required prior to a constable volunteering for that county or municipality.

The Committee gave a report of favorable with amendment on **H.4456**, a bill **authorizing professional and occupational licensing boards to deny or suspend a license for the failure to repay loans**. The bill provides that a board may deny licensure or suspend the license of an individual licensed by that board who has been reported by a federal or state agency for nonpayment or default or breach of a repayment or service obligation under any federal or state educational loan, loan repayment, or service conditional scholarship program. Before the suspension, the licensee is entitled to notice of the board's intended action and must be afforded an opportunity to appear before the board according to procedures set forth by the director in regulation. Such a suspension of license is a contested case under the Administrative Procedures Act. A license suspended under the legislation must not be reinstated or reissued until the person provides the licensing board a written statement issued by the federal or state agency stating that the person is making payments on the loan or satisfying the service requirements in accordance with an agreement approved by the agency. If the person has continued to meet all other requirements for licensure during the period of suspension, reinstatement of the

- (6) a member of the Senate Medical Affairs Committee; and
- (7) a member of the House Medical, Military, Public and Municipal Affairs Committee.

The members of the committee will not receive compensation, subsistence, mileage, or *per diem*.

The Committee adjourned debate on H.4576, a bill which **authorizes the State Department of Social Services to include in a welfare agreement courses designed to develop proficiency in the English language.**

WAYS AND MEANS

The full Ways and Means Committee adjourned debate on S.968, regarding **authorization of the use of certain funds by the South Carolina Employment Security Commission to purchase software.**

The Committee reported favorable on H.5003. This joint resolution **directs the State Treasurer to transfer the sum of sixty-one million dollars from the Extended Care Maintenance Fund to the State general fund to offset fiscal year 2001-2002 mid-year sequestrations as imposed by the State Budget and Control Board.** The resolution further provides that if the Extended Care Maintenance Fund is insufficient to meet its obligations due to this transfer, the State is solely responsible for repaying an amount to restore the transferred funds.

The Committee reported favorable with amendment on H.4998. As reported by the Committee, this bill **authorizes the State Treasurer to provide financing arrangements under the master lease program on behalf of boards, commissions, institutions, and agencies of state government for the purpose of renting, leasing, or purchasing office equipment, telecommunications equipment, energy conservation equipment, medical equipment, data processing equipment, and related software.** The bill deletes provisions regarding installment loans made by the State Treasurer in these instances, and deletes provisions authorizing the State Treasurer, for purposes of carrying out these provisions, to borrow from the State Insurance Reserve Fund.

The Committee reported favorable on S.439, regarding lowering flags flown atop the State Capitol to half-staff until noon on Memorial Day, and lowering the flags to half-staff on the day on which funeral services are held for certain public officials.

The Committee reported favorable with amendment on H.3640, regarding **distribution of "C" fund gasoline tax revenues.** As reported by the Committee, the bill provides that all interest earnings on the County Transportation Fund in the State Treasury must be added to the distribution to counties in proportion to each county's portion of the entire County Transportation Fund. The bill provides that except for those funds being used in connection with highway projects administered by the Department of Transportation on behalf of counties administering their own

The Committee reported favorable on H.5011, which provides that the maximum discount of three thousand dollars allowed to a taxpayer for timely payment of sales and use taxes is increased to a maximum of three thousand one hundred dollars for taxpayers filing electronically. The bill also decreases from twenty thousand dollars to fifteen thousand dollars the threshold amount for which payments due to the Department of Revenue must be paid by a method in which the funds are available immediately to the State.

The Committee reported favorable with amendment on H.4481. As reported by the Committee, this bill provides that a person activated for full-time military service during a time of national crisis, who is unable to complete and receive a grade in one or more courses, shall receive a complete refund of public institution of higher learning fees and tuition, including proportionate refunds of room, board, and special fees paid to the institution. The bill also provides that when a student is required to cease attendance because of such military activation without completing and receiving a grade in one or more courses, the institution shall provide a reasonable opportunity for completion of the courses after deactivation.

The Committee reported favorable with amendment on H.4386. As reported by the Committee, for property tax years after 2002, this bill provides that if a deceased taxpayer failed to claim the homestead exemption and/or the special assessment ratio allowed to property owners who are age sixty-five years or older or who are permanently and totally disabled or legally blind, the personal representative of the deceased taxpayer's estate may apply for the exemption or the assessment and any claim for refund of overpayment.

The Committee reported favorable with amendment on H.4564. As reported by the Committee, this bill provides that after December 31, 2001, a local governing body may not impose a new service or user fee on motor vehicles or increase an existing service or user fee unless the increase or fee imposition is approved by the voters in a referendum at the next general election. The bill further provides that the revenue generated from the new or increased fee must be dedicated for a specific purpose and credited to an account separate from the general fund of the local governing body.

The Committee reported favorable on H.4663. As reported by the Committee, this joint resolution allows all South Carolina school districts and special schools, for fiscal years 2001-02 and 2002-03, to transfer up to twenty percent of revenue between programs to any program with the same funding source. The resolution provides for review of the transfers by the State Department of Education and for provision of relevant information to the General Assembly upon the General Assembly's request. The resolution also allows, under specified circumstances, a carry forward of Education Improvement Act and restricted state grant fund revenue into the following fiscal year. The resolution also allows all school districts and special schools of the State, for fiscal years 2001-02 and 2002-03, to expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance instead for any instructional program.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.5039 *NO WAKE ZONE IN CHARLESTON COUNTY* Rep. Campsen

This bill establishes and provides for a special no wake zone on a specified portion of the Intracoastal Waterway in Charleston County, and provides for certain times and dates when the no wake zone is in effect.

H.5062 *SAVANNAH RIVER BASIN COMPACT* Rep. Thompson

This bill enacts the Savannah River Basin Compact, to establish a framework for a multipurpose plan to be entered into by South Carolina and Georgia and the federal government for the conservation, utilization, development, management, and control of the water and related resources of the Savannah River Basin (the Basin). One of the stated concerns that the bill addresses is that the water resources of the Basin are presently subject to the duplicating, overlapping, and uncoordinated administration of various state agencies in South Carolina and Georgia and also federal agencies which exercise a multiplicity of powers and duties resulting in a splintering of authority and responsibility.

The bill establishes the Savannah River Basin Commission (the Commission) and provides for its powers and duties, including developing and effectuating plans, policies, and projects relating to the water resources of the basin. The bill provides that the Commission shall adopt and promote uniform and coordinated policies for water conservation, control, use and management in the basin, and shall encourage the planning, development, and financing of water resources projects according to such plans and policies.

H.5110 *HUNTING AND FISHING LICENSES* Rep. Loftis

This bill provides that specified hunting and fishing licenses are valid from the date of issue for a period of twelve months.

H.5121 *PROTECTION OF THE ENVIRONMENT* Rep. J.H. Neal

This bill requires the Department of Health and Environmental Control (DHEC) to develop and implement a long-range strategy for preserving and protecting the state's environment and public health for future use. The bill provides items which must be included in the long-range strategy and requires that the public and other state agencies be involved in developing the plan. The bill requires that the plan must be revised every five years. The bill also requires DHEC in every major environmental permitting action to certify that the activity or project is consistent with the long-range strategy. The bill authorizes DHEC to review and consider the past environmental compliance history of an applicant when making a permit decision. The bill prescribes certain factors which must be considered in appointing members to the DHEC board.

H.5113 ACE BASIN SCENIC PARKWAY Rep. Bowers

This bill designates a specified portion of U.S. Highway 17 in Colleton County as the ACE Basin Scenic Parkway.

H.5116 TOLL FACILITIES Rep. Bowers

This bill requires the Department of Transportation to erect toll facilities in specified locations in Dillon and Jasper Counties, and provides for use of the toll revenues.

JUDICIARY

S.1172 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

Sen. McConnell

This bill enacts the Interstate Compact for Adult Offender Supervision. The purpose of this compact and the Interstate Commission created under it, through means of joint and cooperative action among the compacting states, is to: (1) promote public safety by providing adequate supervision in the community of adult offenders who are subject to the compact; (2) provide a means for tracking offenders subject to supervision under this compact; (3) provide a means of transferring supervision authority in an orderly and efficient manner; (4) provide a means of returning offenders to the originating jurisdictions when necessary; (5) provide a means for giving timely notice to victims of the location of offenders subject to supervision under this compact; (6) distribute the costs, benefits, and obligations of this compact equitably among the compacting states; (7) establish a system of uniform data collection for offenders subject to supervision under this compact and to allow access to information by authorized criminal justice officials; (8) monitor compliance with rules established under this compact; and (9) coordinate training and education regarding regulations relating to the interstate movement of offenders, for officials involved in this activity.

H.5048 MEMBERS OF THE CLERGY REQUIRED TO REPORT CHILD ABUSE AND NEGLECT Rep. J. E. Smith

This bill revises provisions relating to persons required to report child abuse and neglect, so as to include a member of the clergy. The bill revises provisions relating to privileged communications that apply with regard to reporting child abuse or neglect, so as to provide that the priest and penitent privilege only applies when the communication is made in the course of a sacramental communication.

H.5060 TIMBER THEFT Rep. Rhoad

This bill provides that when certain offenses involve timber theft in excess of five thousand dollars all motor vehicles, conveyances, tractors, trailers, watercraft, vessels, tools, and equipment of any kind knowingly used in the commission of the offense may be confiscated and forfeited to the jurisdiction where the offense occurred. The bill provides for forfeiture procedures, the sale of forfeited property, and the disposition of the proceeds from the sale of forfeited property. The bill provides that a timber buyer or timber operator purchasing trees, timber, or wood by the load must furnish the timber grower or seller a separate, true, and accurate

**H.5102 STATE CERTIFICATE OF NEED AND HEALTH FACILITY
LICENSURE ACT** Rep. Klauber

This bill makes various revisions to the "State Certification of Need and Health Facility Licensure Act", including renaming the act the "State Certificate of Need and Health Facility Licensure Act" and revising its purpose to include carrying out the state's health planning effort.

H.5111 REQUIREMENTS FOR VOTER REGISTRATION Rep. Carnell

This bill revises requirements for voter registration so as to add the requirement that an applicant, if sixty-five years of age or older, must indicate whether he does or does not desire to serve as a juror in magistrates court if summoned.

**H.5117 DEPOSIT OF A SUM OF MONEY IN LIEU OF ENTERING INTO
RECOGNIZANCE** Rep. Whipper

This bill provides that a person held or incarcerated in a jail or detention center who is entitled to deposit a sum of money in lieu of entering into recognizance may secure his immediate release from custody by paying to or depositing the required sum of money with the jail or detention facility in which he is being held. Such money deposited with a jail or detention facility under the authority of this section is deemed paid to or deposited with the magistrate or municipal judge in lieu of entering into recognizance and must be accounted for and paid over to the magistrate or municipal judge by the jail or detention facility for disposition according to law.

H.5119 CONDUCT OF LAW ENFORCEMENT OFFICERS Rep. Sinclair

This bill provides that a law enforcement officer may engage in political activity not prohibited by law while off duty and may not be denied the right to refrain from engaging in political activity not prohibited by law. The legislation provides for disciplinary proceedings for law enforcement officers.

H.5120 SOUTH CAROLINA CLEAN ELECTIONS ACT Rep. J. H. Neal

This bill enact the "South Carolina Clean Elections Act", to provide a procedure under which certain candidates for office who agree to limitations on contributions receive a predetermined amount of public funds for campaigns. The legislation requires electronic disclosures for all campaign contributions to candidates and political committees.

LABOR, COMMERCE AND INDUSTRY

H.5034 EXEMPTION FROM WORKERS' COMPENSATION LAWS Rep. Tripp

This bill provides that provide that an employee covered by the Federal Employers' Liability Act, Longshore And Harbor Workers' Compensation Act or any of its extensions, or the Jones Act is exempt from workers' compensation laws.

H.5078 CHIROPRACTIC LICENSURE Rep. Harrison

This bill requires that an applicant for issuance or renewal of a chiropractic license must furnish proof that the applicant has purchased professional liability insurance from an acceptable insurer (as defined in the bill) in specified minimum amounts. The bill also requires that the insurance must be maintained continuously during the entire licensure period. The bill provides for policy deductibles and delineates certain items which must be included in the policy. The bill provides that violation of the requirements included in the bill results in denial or cancellation of licensure until compliance is provided.

H.5100 DHEC REGULATIONS Rep. Owens

This bill authorizes the Department of Health and Environmental Control (DHEC) to promulgate and enforce regulations providing standards and procedures for hotels, restaurants, and all other establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit, to distribute food not served to agencies providing food to the needy.

H.5101 DISPENSING OPHTHALMIC LENSES Rep. Talley

This bill prohibits a person from dispensing ophthalmic lenses, with or without power, without having first obtained a valid prescription or order for the lenses from a licensed optometrist, physician, surgeon, or osteopath. The bill provides a penalty for violation of this provision.

H.5106 TEAM PHYSICIANS Rep. Parks

This bill exempts a team physician licensed in another state from licensure requirements in this state if the physician holds an active license in the other state, engages in the active practice of medicine in the other state, and is employed or designated as the team physician for a team visiting this state, and only treats the team members, coaches, and staff.

WAYS AND MEANS

H.5038 SOUTH CAROLINA COLLEGE INVESTMENT PROGRAM Rep. Campsen

This bill amends provisions regarding the South Carolina College Investment Program (SCCIP). These revisions include:

- Adding a provision that beneficiaries may be changed in any account by an account owner unless it is prohibited by federal law;
- Adding a provision that withdrawals of the principal amount of contributions that are not qualified withdrawals must be recaptured into South Carolina income subject to tax to the extent that the contributions were previously deducted from South Carolina taxable income;
- Adding a provision that state income tax deductions as provided for in this bill may be taken in any taxable year for contributions and rollovers made during that taxable year, and up to April fifteenth of the succeeding year, or

deed recording fee, even if the realty is transferred to another corporation, a partnership, or trust.

S.886 TARGETED JOBS TAX CREDIT Sen. Leatherman

This bill provides that with regard to the jobs tax credit, the twelve counties with a combination of the highest unemployment rate and lowest *per capita* income are designated "distressed counties." The bill provides a job tax credit of eight thousand dollars for each new full-time job created in distressed counties. The bill also makes revisions regarding Rural Infrastructure Fund grants, including increasing from five to ten million dollars the threshold above which twenty-five percent of fund revenues must be set aside for grants in "underdeveloped," "moderately developed," and "developed" counties.

H.5094 DISTRIBUTION OF LOTTERY PROCEEDS Rep. White

This bill provides that lottery proceeds may be used to provide grants to individuals who have a bachelor's degree and wish to become teachers.

H.5095 REVISIONS TO REVENUE PROCEDURES ACT Rep. Kirsh

This comprehensive bill makes numerous revisions to the *South Carolina Revenue Procedures Act*. These revisions include, but are not limited to: revising the manner in which and conditions under which disputes or claims with the Department of Revenue (DOR) are determined and resolved; revising state revenue appeals procedures; revising the time for filing property tax assessment protests; revising the time in which a taxpayer must object to a personal property tax assessment; and revising the duties, functions, and responsibilities of the Administrative Law Judge Division and DOR hearing officers insofar as procedures for contested revenue cases are concerned.

H.5103 MOTOR FUELS TAX Rep. Sharpe

This bill makes numerous revisions regarding the tax on motor fuels (defined as gasoline, diesel fuel, and blended fuel). These revisions include, but are not limited to: providing an exemption from the motor fuels tax for renewable fuel sold during a specified period; imposing and providing for a highway user fee on the issuing of titles for vehicles powered by alternative fuels; providing a new definition for "biodiesel fuel" and "renewable fuel;" extending the imposition of the motor fuels tax to all motor fuels used to propel vehicles; providing an exemption from the backup motor fuels tax for alternative fuel powered vehicles under certain conditions; extending certain requirements currently imposed on blended fuels to renewable fuels; imposing a one dollar South Carolina Fuel Freedom Fee which must be added to all motor vehicle registration fees and credited to the State Highway Fund.

H.5104 TRANSFER OF FIRST STEPS FUNDS Rep. White

This joint resolution transfers 2002-2003 funds appropriated to the Office of First Steps for School Readiness for health care purposes to the Department of Health and Human Services to be used as matching funds for a federal health care grant under the Child Health Insurance Program (CHIPS).

Legislative Update, April 16, 2002

behalf of its licensees the issuance of any license or permit required by another State agency or political subdivision of the State for the conduct of such business; and deleting a provision that such a license shall be issued free of charge to a qualified blind person licensed by the Commission.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "ELECTRONIC TRACKING" (UNDER "LEGISLATIVE RESOURCES"), THEN CLICKING ON "ADD NEW SUBSCRIPTION RECORD" AND COMPLETING THAT FORM.